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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,053	08/31/2001	Gustavo M. Gonzalez	3919.003	4359

7590 10/22/2003

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EXAMINER

MRUK, BRIAN P

ART UNIT PAPER NUMBER

1751

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,053

Applicant(s)

GONZALEZ, GUSTAVO M.

Examiner

Brian P Mruk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-21 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed August 8, 2003. Applicant has amended claims 17 and 23. Claim 22 has been cancelled. Currently, claims 1-21 and 23 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 3.
3. The objection of claims 17 and 22 are withdrawn in view of applicant's amendments and remarks. Specifically, applicant has amended instant claim 17 to recite that the listed fragrance is a secondary fragrance, and has cancelled claim 22.
4. The rejection of claim 23 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks. Specifically, applicant has amended claim 23 to depend from claim 11.
5. The rejection of claims 1-9 under 35 U.S.C. 102(b) as being anticipated by Chung, U.S. Patent No. 4,808,330, is maintained for the reasons of record.

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6. The rejection of claims 1-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,284,056 is withdrawn in view of applicant's timely filed Terminal Disclaimer.

Response to Arguments

7. Applicant's arguments filed August 8, 2003 have been fully considered but they are not persuasive.

Applicant argues that Chung, U.S. Patent No. 4,808,330, does not teach that the inorganic salt (i.e. sodium chloride) is in crystalline form. However, the examiner asserts that Chung does indeed teach this limitation. Specifically, the examiner asserted in the last Office action, Paper No. 3, Paragraph No. 7, that the sodium chloride disclosed by Chung would inherently exist in crystalline form, absent a showing otherwise, since sodium chloride occurs in nature as a crystalline salt. Thus, the examiner asserts that the burden is with applicant to show that the inorganic salt (i.e. sodium chloride) disclosed in Chung is not in crystalline form. The examiner notes that applicant has provided arguments why the sodium chloride disclosed by Chung would not be in crystalline form (i.e. the crystals would clog the nozzle, and the solution needs to be saturated in order to form crystals), but asserts that applicant's arguments are not persuasive. Since applicant has not provided a showing that the inorganic salt (i.e. sodium chloride) disclosed in Chung is not in crystalline form, the examiner maintains the rejection of claims 1-9 as being anticipated by Chung, U.S. Patent No. 4,808,330.

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Allowable Subject Matter

8. Claims 10-21 and 23 are allowed, since the prior art of record does not teach or fairly suggest a cleaning composition comprising 30-70% by weight of an inorganic salt in crystalline form, a water miscible solvent, water, a terpene, an antibacterial agent, and a surfactant, per the requirements of instant claims 11-21 and 23, and does not teach or fairly suggest a cleaning composition comprising 30-70% by weight of an inorganic salt in crystalline form, a water miscible solvent, water, and octoxynol-9, per the requirements of instant claim 10.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Bm

Brian Mruk
October 16, 2003

Brian P. Mruk

Brian P. Mruk
Patent Examiner
Tech Center 1700